

COURT USURPATION.

Anyone who reads without preconceived bias, the report of court proceedings in Chicago in the Debs contempt case cannot escape the conclusion that the case is prejudged, and no matter what the testimony may be, no American Railway union man can hope for justice in a Chicago court. It will remain to be determined whether there is a higher court to which these cases may be appealed that is not a servile tool of the corporations. This has become a matter of doubt with a large class of thinking men and women throughout the country.

In the contempt case above referred to, it has been the policy of the government to simply establish the fact of the commission of violence during the continuance of the late strike, and without offering an iota of testimony to connect the officers or members of the American Railway union with this violence, to infer their responsibility and punish them accordingly. All day Friday, September 7, the government introduced testimony simply to establish what nobody denies—that there was violence committed during the strike—and without one solitary attempt to prove that the strikers had anything to do with it. The respondents in each case objected to the testimony on the ground of its irrelevancy inasmuch as the prosecution made no attempt to connect the defendants with the violence proven. By such means the most innocent man in the world could be convicted. Suppose any man, however innocent, to be simply placed under arrest upon the charge of inciting violence, and the court in his trial should admit this kind of evidence to be submitted, and act upon the presumption that because violence had taken place, therefore, the prisoner at the bar must be guilty of it. This is a fine administration of justice, isn't it?

After many witnesses of the kind indicated had testified, and while Henry Swan, a Rock Island fireman, was on the stand, Mr. Erwin, one of the counsel for the defense, entered the following protest against the continuance of such testimony:

"May it please the court," began Mr. Erwin, "we would like to interpose an objection here. This is the same kind of testimony as that of the last witness. It is irrelevant and immaterial. I want to say this to the court in good faith and candor, that this inquiry is before the public. The constant repetition and narration of detestable scenes of mob violence happening during this late strike, without tracing to the defendants in any way their responsibility or complicity, will throw the greatest possible burden upon your honor, who sits here before a public expecting and desiring that someone be punished because of the strained inferences and conclusions against these defendants. The government has no more right to lay before your honor this strained condition of public duty than it has to vex the public by this proceeding. Now, it seems to me, to be candid and plain, since they have not attempted to connect the defendants as yet with these conditions of mob violence, either one of which, if properly connected, would subject the defendants to the punishment of this court, that it is the purpose and plan of the persons conducting this examination, to load down this table with scenes of violence entirely disconnected; to raise a pub-

lic cry for punishment in the absence of proof to connect them. And as this has proceeded to such an extreme extent, without the first particle of testimony, while it is wise on the part of your honor to rely upon counsel to connect these things, it does seem to me that in the interest of the public a stop should be put to this thing now until they do connect it, for they have proved enough, if they do connect us, to damn us."

In ruling upon this objection, Judge Woods said:

"The court, of course, gives counsel credit for candor in all of his objections, and has not announced to the contrary in one way or another, and so far as the burden thrown on the court is concerned, the court will necessarily have to bear it. But it is expressly averred in this information, and to my mind it is the most material averment in the information in one aspect, that these scenes of violence did go on, and that your people were responsible for them. Now, I don't pretend to know or say or guess how far they can carry their proof in that respect, but I don't see, because one witness has testified to a thing that I have not the right to allow another to testify to the same thing."

"I called your honor's attention to this and call the public's attention to it because I am sure they can never connect these defendants with one of these things," replied Mr. Erwin.

"Of course, so far as the public is concerned," said the court, "it is desirable that no mistake shall be made, and in the end it will be the responsible duty of the court to put the matter in shape so that the public will understand how we have proceeded, if they don't apprehend it from the busy employment of these gentlemen who are engaged in that special work."

Can any honest man read these proceedings and not be impressed with the fact that this case is prejudged? What chance of justice has any man in such a court?

The report of proceedings as given by the Chicago Times also furnishes another example of the strained rulings of the court made for the sole purpose of bringing men under the jurisdiction of the interstate commerce law who are in no way connected with interstate commerce. The Times says:

Another one of the interesting episodes of the day was when Mr. Gregory objected to the testimony of the superintendent of the Stock Yards and Transit company's lines on the grounds that they were not engaged in the transportation of the mails and clearly could not be engaged in interstate commerce, since their lines did not extend outside of Cook county or the city of Chicago. Judge Woods replied that the road handled freight which by other roads was taken to other states; that the street cars were used by persons beginning a journey to other states.

"I should very much dislike to see that doctrine of interstate commerce enunciated as law," said Mr. Gregory. "From such a doctrine the elevator by which a man descends from his office when he starts to take a train would not be exempt."

Not only the office elevator would be included under this ruling, but the man who takes his grip in his hand and starts upon a journey on foot must be engaged in interstate commerce, and subject to the charge of obstructing the mails if anything goes wrong with their transportation. Put a corporation upon one side and a poor man upon the other and the courts will see to it that there is sufficient latitude to the law to satisfy the utmost demand of the corporation. A poor man has no earthly show for justice in a modern court.

Get up a club for the Advocates.

MAJOR MORRILL'S RECORD ON SILVER?

We have received a number of inquiries upon this subject from persons who desire specific information regarding it and we have therefore taken the time to look the matter up back to the time when Senator Plumb's free coinage bill passed in the senate. We have not searched any of the more ancient records and do not deem it necessary for reasons which will be stated in a subsequent paragraph.

The ADVOCATE has never believed that anything is to be gained by misrepresenting the position of a political adversary. It has always been our aim to be correct in every statement we make, and if we have the misfortune to publish anything which proves to be erroneous we are always ready to correct it whenever the error appears. While we have not published the article that has gone the rounds of the Populist press purporting to give Mr. Morrill's votes in congress there was a paragraph slipped into our columns in which it was stated that he was opposed to silver while in congress, and we therefore the more willingly devote the necessary space now to a statement of the facts.

The Populist press has unwittingly been led into an error by publishing an article which was not verified before publication by the editor who was responsible for its first appearance. It was handed to him for publication and, supposing it to be correct, he let it go without taking the precaution which probably he should have done. The vote cited, page 3,300, volume 17, of Congressional Record, is incorrectly reported. The nay vote there recorded is not upon the passage of the free coinage bill, but upon the adoption of an amendment to it, and on the next page Mr. Morrill is recorded as voting yes on the free coinage bill. It is only fair that these facts should be stated. There are some other facts, however, that should likewise be stated in order to make a perfectly truthful presentation of the case.

The silver plank of the republican national platform of 1888 reads as follows:

The republican party is in favor of the use of both gold and silver as money, and condemns the policy of the democratic administration in its efforts to demonetize silver.

And that is all there is of it. The "parity" nonsense had not yet been thought of, and Kansas republicans especially were all for the coinage of silver and gold at the existing ratio. Nobody in the West presumed to teach any other doctrine. The platform of the Kansas republican state convention of 1890 declared:

The practical operation of the silver act now in force, recently passed by a republican majority and opposed by a democratic minority in both houses of congress, is rapidly increasing the value of silver, is a good step in the right direction, but we, the republicans of Kansas, demand the free coinage of silver, a measure strongly opposed and vigorously denounced by the late democratic administration led by ex-President Grover Cleveland.

The Kansas legislature had adopted resolutions calling upon our representatives in congress to vote for free

coinage of silver. The Topeka Capital of January 4, 1891, sent this message:

The Capital wishes to send a short message to congress. It will be brief, but important to the West. It is this: Stop your windy speeches about election bills; pass the Plumb measure for free coinage of silver, and give the country one or two hundred millions more of paper currency.

It is not as long as the president's message, but it will do the country and the republican party more good if it is acted upon than a dozen messages like the last one. The West and South are growing very tired seeing the money influences of the East stop the promised financial legislation.

Everybody in Kansas up to this time was for free coinage, and Major Morrill could not do otherwise than vote that way. The "parity" nonsense was not yet invented. It is for this reason not necessary to go back further for his record upon this subject. He could not then represent his constituency and vote otherwise than for free coinage.

Since that time, however, Kansas republicans, or rather we should say, republican politicians, have turned a double, back-action somersault, and have lined up with the Wall street end of that party upon this question. The "parity" plank was adopted at Minneapolis and at Chicago by the republican and the democratic branches of the Wall street party in 1892, and has been adopted by Kansas republican and democratic conventions since that time. We have seen it stated that Major Morrill himself drew the plank adopted by the convention that nominated him for governor. We stated sometime ago that if that plank means anything it means the re-coinage of our silver currency, putting a gold dollar's worth of silver at its present price in the market, into the silver dollar, and the Capital stated that this was a correct interpretation of it. Mr. Morrill in accepting the nomination upon this platform signified his approval of it, and gave proof of the fact that he was among the politicians who had made the flop and lined up with the Wall street end of his party. It was only after the campaign was opened and he got his ear to the ground and heard the rambling of the gravel train that he saw the necessity of declaring for the ratio of 16 to 1. It would be folly for republicans to say now that this is the meaning of their platform. They know that it is not, and if it was, the Capital would have to repudiate it or make another flop in the midst of a campaign. Verily, the republican party and its candidates are in a hard row of stumps upon the finance question.

It is about the time of year for the Capital to start in again with its monthly report of "mortgages released." Our exchanges show the sheriffs to be enjoying their accustomed prosperity in this line, and the Capital, with moderate industry, might gather up quite a list every month which it could write up in its usual style as mortgages paid.

That wave of prosperity that was to come after the tariff law was adopted hasn't struck Kansas yet.